

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRIAN M.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C23-5303 RSM

**ORDER GRANTING STIPULATED  
MOTION FOR REMAND**

Pursuant to the parties' stipulated motion, the Court hereby ORDERS that this matter is remanded to the Commissioner under the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings. On remand, the Appeals Council will direct the administrative law judge (ALJ) to:

- Reevaluate the persuasiveness of the medical opinions and prior administrative findings, including the assessments of Karen Lindner, Ph.D., David Widlan, Ph.D., and John Haroian, Ph.D., under the supportability and consistency factors of the revised regulations, 20 C.F.R. §§ 404.1520c, 416.920c;
- Continue the sequential evaluation, including reassessing the residual functional capacity and, if necessary, obtaining vocational expert evidence about whether Plaintiff can perform other work existing in the national economy; and
- Offer Plaintiff the opportunity for a hearing, take further action to complete the administrative record resolving the above issues, and issue a new decision.

1 After judgment, Plaintiff may be entitled to reasonable attorney's fees and costs pursuant  
2 to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.  
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4 DATED this 16<sup>th</sup> day of October, 2023.

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6 RICARDO S. MARTINEZ  
7 UNITED STATES DISTRICT JUDGE  
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